



United States Department of Commerce

Nov 10, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria Virginia 22313-1450

Re: Application No. 10/075,221

Filing date: 11/25/2002

Inventor: Edward Ludwig Blendermann

Examiner: John P. Lacyk

Art Unit: 3736

Attn: John P. Lacyk

In response to the office action dated 10-19-2004 please accept the following reply.

The specification is directed to a nutritional supplement that emits electromagnetic that stimulate the body. The specification (page10) list several herbs, vitamins, ect. that are used as supplements. The examiner states that in view of contemporary knowledge in the art it is not well known that herbs, vitamins, ect. emit any type of electromagnetic waves and applicant has provided no evidentiary basis to support his theory.

The applicant traverses and reiterates that it is well known according to contemporary knowledge in the arts that electromagnetic waves are emitted by all matter with a temperature above absolute zero. All matter includes nutritional supplements.

To support the existence of this well known contemporary knowledge in the arts, the applicant offers the following referenced evidence.

1. Physical Geography.net ,Chapter 6-study guide states” A few physical laws can describe the nature of electromagnetic radiation.. One of these laws suggests that any object above the temperature of absolute zero emits radiation to its surrounding environment “.The glossary of terms from this web site defines electromagnetic radiation as ”Emission of energy in the form of electromagnetic waves .All objects above the temperature of absolute zero radiate energy to their surrounding environment.”

2. (.<http://www.astr.cwru.edu/jeffk/astro204/sept16dlf>) Thermal Emission

“All atoms vibrate, even if they are just above absolute 0 K.

Matter is made up of atoms which contain negatively charged electrons and positively charged protons.

Vibrating charges produce oscillating electric fields and thus electromagnetic waves.”

3. (<http://www.ldeo.columbia.edu/edu/dees/ees/climate/lectures/energy/generation.html>)

Generation of Electromagnetic Waves

“Electromagnetic waves are generated by moving electrons. An electron generates an electric field which we can visualize as lines radiating from the electron...If the electron moves, say vibrates back and forth, then this motion will be transferred to the field lines and they will become wavy....In turn, the moving electron generates a magnetic field that will also become wavy from the motion of the electron. This kind of wave is called an electromagnetic wave and light is such a wave. Since all matter contains electrons and all these electrons are in motion, as are the atomic nuclei they spin around, all matter generates electromagnetic waves.....”

“Electromagnetic (EM) radiation is emitted by all matter and consists of orthogonal electrical and magnetic waves. All EM travels at the same speed through a vacuum (186,000 miles per second or 300,000 kilometers per sec). This radiation is generated by a moving charge or charges. All matter consists of atoms in motion and these in turn consists of positively charged protons surrounded by a cloud a negatively charged electrons. The vibrating motion of the atoms causes the cloud of electrons to oscillate and this oscillation generates electromagnetic radiation.”

4.” The electromagnetic spectrum is a continuum of electromagnetic wavelengths. All matter radiate electromagnetic energy of varying wavelengths according to their temperature.”

(http://www.geog.ucsb.edu/~jeff/115a/remote_sensing/remotesensing.html)

5. (Encyclopedia Britanica, Vol.18-196:4A , 2002) “Continuous spectrum of electromagnetic radiation. Such spectra are emitted by any warm substance. Heat is the irregular motion of electrons, atoms, and molecules; the higher the temperature, the more rapid is the motion.. Since electrons are much lighter than atoms, irregular thermal motion produces irregular oscillatory charge motion which reflects a continuous spectrum of frequencies. Each oscillation at a particular frequency can be considered a tiny antenna that emit and receives electromagnetic radiation.”

6. (<http://www.school-for-champions.com/science/emwaves.htm>) Sources of electromagnetic radiation “Electromagnetic radiation is emitted from all matter with a temperature above absolute zero.”

The examiner must now be persuaded in the light of the above evidence that it is well known in contemporary knowledge that all matter including nutritional supplements emit electromagnetic waves.

With regard to claim 18, according to my records the clean copy and marked up copy are identical as they should be since the marked up copy is marked (original).

It reads "A method of improving muscle strength and endurance while conducting physical activities (exercise) by wearing the nutrient holding device during such activities."

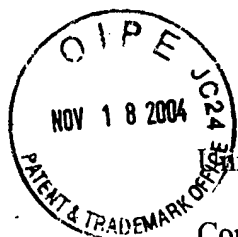
This is the correct version. I hope this clears up any ambiguity.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Blendermann", with a long horizontal flourish extending to the right.

Edward L. Blendermann



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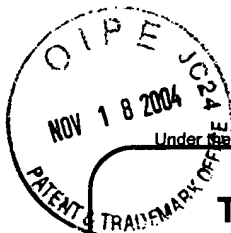
Attn: John P. Lacyk

The following is a copy of my records indicating that claim 18 in the marked up version is identical to claim 18 in the clean version.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Blendermann".

Edward L. Blendermann



PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after Initial filing)

Total Number of Pages in This Submission

11

Application Number

10/075,221

Filing Date

11/25/2002

First Named Inventor

Edward Ludwig Blendemann

Art Unit

3736

Examiner Name

John P. Lacyk

Attorney Docket Number

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks
1) Letter indicating a copy of records of (also enclosed)
(A) marked-up claims
(b) clean version of claims

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Edman
Signature	Edward L. Blendemann
Printed name	Edward L. Blendemann
Date	11-04
Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Edward L. Blendemann
Typed or printed name	Edward L. Blendemann
Date	11-15-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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